

REMARKS

The claims have been amended to improve the style of this application. Applicant thanks the Examiner for withdrawing the rejections in the last Office Action.

Applicant also thanks the Examiner for providing a summary of the base claims. It appears that the Examiner's summary of claims 6 and 11 is correct. Applicant has reviewed the summary of claim 1, and feels that the base film layer has been misinterpreted. The base film layer itself comprises three film layers, an outer layer film, an intermediate layer film, and an inner layer film. In the embodiments of the present figures, the outer layer film is represented by reference 5, the intermediate layer film by reference 3, and the inner layer film by reference 4. The base film is considered to be the structure formed by all three of the outer layer film 5, intermediate layer film 3 and inner layer film 4.

Edge portions of the base film are heat sealed together, as shown in the embodiment of present Fig. 2. In the area of the heat seal, the present invention has the structure of, from top to bottom in Fig. 2, an outer film layer 5, an intermediate film layer 3, an inner film layer 4, a heat seal 7, an outer film layer 5, an intermediate film layer 3 and an inner film layer 4. If the Examiner has any questions, or requires any additional information with regard to claim 1, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

Independent claims 1, 6 and 11 have been rejected as being anticipated by Bradt.

In all of the independent claims, there are three layers, namely an intermediate layer which is shown in the embodiments of the drawings by reference 3, and layers on opposite

sides of the intermediate layer which are shown in the embodiments of the drawings by references 4 and 5. Layers 4 and 5 connect to intermediate layer 3 by different peel strengths. The independent claims set forth that one of the peel strengths is greater than the other of the peel strengths. Applicant has reviewed Bradt, and finds no teaching nor suggestion of two different peel strengths of layers on opposite sides of an intermediate layer. Since Bradt does not disclose two different peel strengths of these layers, Bradt cannot anticipate all of the features of the independent claims. The independent claims therefore cannot be anticipated by Bradt.

The rejection states that Bradt shows the structures of a heat seal layer A, an interface layer B, and a support layer C. The rejection also states that Bradt shows a lower peel strength between layers A and B. Applicant notes that the present claims set forth that the peel strength between the intermediate layer and one of the outside layers is less than the peel strength between the intermediate layer and the other of the outside layers. The rejection only states that Bradt describes a lower peel strength between A and B, but does not indicate what that peel strength is lower than. In the present claims, the peel strength of one outer layer is lower than the peel strength of the other outer layer with respect to the intermediate layer. Applicant has reviewed Bradt, and finds no teaching nor suggestion that a peel strength between layers A and B is lower than a peel strength between layers C and B. In fact Applicant finds no teaching nor suggestion of any peel strength between C and B in Bradt. Therefore the relationship between the two peel strengths in the independent claims is not taught nor suggested in Bradt.

The rejection refers to column 5 lines 35 - 47 of Bradt to describe a lower peel strength. Applicant has reviewed this portion of Bradt, and it appears that this portion describes a peel strength when the heat seal layer A is sealed to itself, and the peel strength between an interface layer and a heat seal layer. Therefore any relationship between peel strengths in Bradt, is for a connection between layers A/A, and a connection between layers A/B. This relationship between peel strengths is much different than the relationship between peel strengths set forth in the present independent claims. Since Bradt in column 5 lines 35 - 47 does not describe the peel strength relationship set forth in the independent claims, this portion cannot anticipate the relationship set forth in the independent claims. Furthermore, since this portion of Bradt describes a completely different relationship, a person of ordinary skill in the art would not be led to the relationship set forth in the independent claims. Independent claims therefore cannot be considered obvious in view of Bradt.

The independent claims have also been rejected as being obvious over Bradt in view of Applicant's admission. The rejection indicates that Applicant's admission describes known packaging films that are made by heat sealing the top and rear surfaces of the film to each other. The rejection states that it would have been obvious to employ the multilayer of packaging film of Bradt to make the admittedly casings of Applicant's admission in order to provide easy opening delamination in the casings. Applicant must respectively traverse this statement. In Bradt, heat seal layer A is heat sealed to itself. All the peel strengths described in Bradt are for the heat seal layer being sealed to itself. If Bradt is modified according to Applicant's admission, heat seal layer A would need to be heat sealed to the support layer C.

A person of ordinary skill in the art would have no indication of any peel strengths for a heat seal layer being sealed to a support layer C. Since Bradt does not describe this type of connection, the person of ordinary skill in the art would have no reasonable expectation that such a connection would be successful, or that such a connection would have the same peel strength relationship as set forth in the present independent claims. Applicant notes that the third basic criteria for obviousness, is that there must be some reasonable expectation of success for the modification or combination in the prior art. Since neither Applicant's admission, nor Bradt indicate that such a modification or combination would be successful, the independent claims cannot be considered obvious in view of Bradt and Applicant's admission.

Furthermore, since Bradt specifically teaches a different type of connection, any modification of Bradt would be against the principal of operation of Bradt. Applicant further notes that such a modification is considered by the U.S. patent regulations to not have any suggestion or motivation, see MPEP 2143.01. The independent claims therefore further define over Bradt.

Claim 1 has been amended to include many of the features of claims 3 and 5. In particular claim 1 now sets forth that an I-shaped notch is provided in an edge of the knot-sealed section.

Claims 3 and 5 have been rejected as being obvious over Bradt, Applicant's admission, and Suzuki. The reference of Suzuki is used to teach the use of V-notches. Applicant notes that claim 1 now defines over Suzuki, since V-notches are not disclosed, and instead an I-shaped notch is set forth.

Claim 12 has been amended to set forth that the two portions of the layers are arranged to have the first layer of one portion contact the second layer of the other portion, and that the heat sealing connection connects the first layer of the one portion to the second layer of the other portion. This is shown in the embodiment of Fig. 2. As Applicant has described previously, Bradt does not describe such a relationship between the layers, especially in a heat sealing connection. Instead Bradt has the same layer from different portions being heat sealed together. Since Bradt does not have two different layers connected to each other, claim 12 further defines over Bradt.

New claims 16 - 23 have been added to set forth further features of the present invention which are not taught nor suggested in the prior art. It is Applicant's position that these claims therefore further define over the prior art.

If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

At this time Applicant respectfully requests reconsideration of this application, and based on the above amendments and remarks, respectfully solicits allowance of this application.

Respectfully submitted
for Applicant,

By: 

Theobald Dengler
Registration No. 34,575
McGLEW AND TUTTLE, P.C.

TD:tf